IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5745 OF 2005
IN
CRIMINAL APPEAL NO. 828 OF 2005

Rajesh @ Dadya Vijay Patil & Anr ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. S.M.Oak, Advocate for Applicants
Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 18TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail. The applicants have been convicted under Section 307 of I.P.C. and sentenced to R.I. for five years.

3. P.W.4 Onkar Pawar who is the injured witness has stated that the applicant No.1 Rajesh and one other accused Sarafroj came to him and told him that Suresh i.e. applicant No.2 had called him. Thereafter, those two accused forcibly dragged him and took him to the house of applicant No.2. There, the applicant No.2 beat Sanjay and Bala by chopper and sickle and thereafter Onkar was allowed to go. While he was coming out, he met applicant No.1 and accused

Sarafroj. Those two accused started beating him, hence, he ran away. P.W.4 has further stated that the applicant No.1 beat him by sickle and Sarafroj beat him by chopper. Thus, it is seen that there is enough material to connect the applicants with the crime.

4. The learned A.P.P. has pointed out that during the pendency of the trial in the present case, the applicant had been released on bail. After they were released on bail, they have committed an offence of murder. The said case is registered as C.R. No. I-186/2004 with Kalwa police station.

5. Looking to the evidence on record and the involvement of the applicant in C.R. No. I-186/2004, I do not think that this is a fit case to grant bail to the applicants. Application is rejected.

6. At this stage, the learned advocate for the applicants states that both the applicants have not been granted set off by the learned Sessions Judge while disposing of the trial and set off may be granted to the applicants. However, there is no prayer in the present application in relation to set off. The applicants are granted liberty to file fresh application in respect of the said prayer.

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